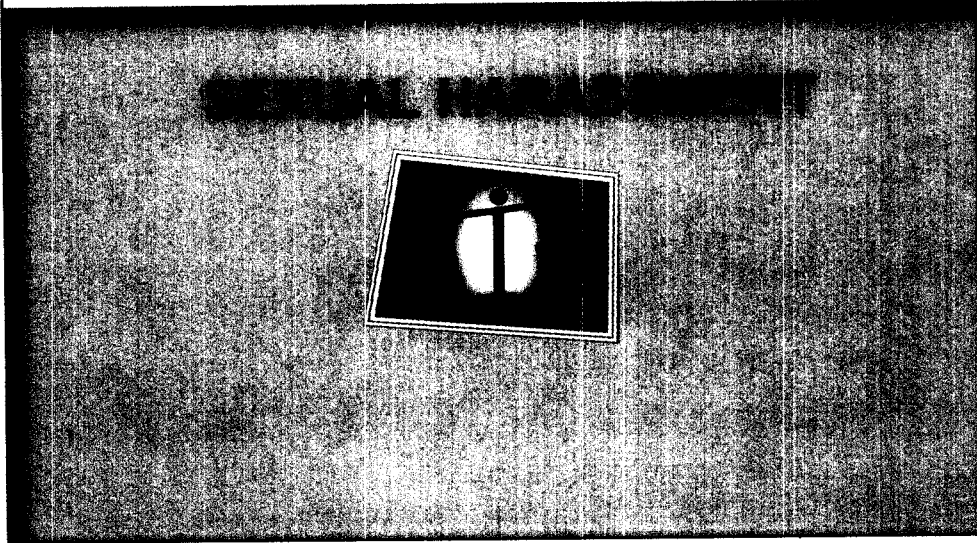




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Sexual Harassment: What is it?

Unwelcome sexual advances, requests for sexual favors; and verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission** to such conduct is made either explicitly or implicitly a term or condition of employment,
- (2) submission** to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct** has the purpose or effect of reasonably interfering with an individual's work performance or creating a hostile, intimidating, or offensive work environment.



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Sexual Harassment: What is it?

In Other Words:

- **Unwelcome and unwanted behavior of a sexual nature or conduct based on or because of one's sex/gender.**



Policy on Sexual Harassment

ADS 110.3.4.3, *Equal Employment Opportunity*

- provide a workplace free from sexual harassment;**
- prohibit explicit or implicit sexual harassment;**
- comply with the letter and spirit of all laws and regulations governing sexual harassment;**
- conduct inquiries into allegations of harassment;**
- take corrective action when necessary; and**
- ensure that formal complaint channels for sexual harassment are available to all employees**

ADS 110.3.4.3, *Equal Employment Opportunity*



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TYPES OF SEXUAL HARASSMENT

Quid pro Quo

- Submission to or rejection of sexual conduct is used as the basis for employment decisions.
- Example: Supervisor requests sex in exchange for a promotion.

Hostile Environment

- Inappropriate email (sexual connotation)
- Sexual jokes, teasing, and comments are continuously made.
- Posters, calendars, cartoons, etc. of a sexual nature are present.
- Blocking a coworker's path or cornering the coworker.

The Quid Pro Quo example is pretty blatant—some other examples include:
“Hey, if you are going to be competitive for promotion, you need a mentor—how about 10:00 p.m.—my place.”

“If you were to play your cards right and do what you can do to make my life less stressful (with sexual innuendo), you can go places in this organization.”

Hostile Environment: Conduct or comments are so severe or pervasive that the working environment is hostile. Conduct Sufficiently Severe or Pervasive to Alter a Term or Condition of Employment”

Not “unpleasantness”

Serious Psychological Distress Not Required Harris v. Forklift

Subjectively and Objectively Hostile or Abusive Environment

a reasonable person would find and the victim in fact did perceive to be hostile or abusive

Conduct Must Be “Unwelcome”

Not Involuntary



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SEXUAL HARASSMENT

Quid Pro Quo

Employee went to a business dinner meeting arranged by his boss. He expected the whole office staff to be there. It was just the two of them, the restaurant dimly lit, and a romantic atmosphere. After a few drinks, Roger realized that the only business to be discussed was his supervisor's attraction to him. Just before suggesting they go to her house for a nightcap, she mentioned the promotion Roger was applying for. Is she sexually harassing Roger?

Most likely, the boss made it clear there is a connection between employee's response to her invitation and him getting a promotion. This is an example of "quid pro quo."



SEXUAL HARASSMENT

Hostile Environment

- **Conduct Sufficiently Severe or Pervasive to Alter a Term or Condition of Employment”**
 - Not “unpleasantness”
 - Serious Psychological Distress Not Required
- **Subjectively and Objectively Hostile or Abusive Environment**
 - a reasonable person would find and the victim in fact did perceive the environment to be hostile or abusive
- **Conduct Must Be “Unwelcome”**
 - Not Involuntary



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SEXUAL HARASSMENT Hostile Environment

- **Scenario 1: Co-workers isolate female employee, sabotage her work, and refuse to speak to her.**
- **Scenario 2: Co-workers utter sexually specific comments or sexually derisive remarks on numerous occasions.**
- **Scenario 3: Co-worker comments that they'll never be invited to John's wedding, or, if there is one, the bride's name will be Horace.**
- **Scenario 4: Two co-workers are dating and have a romantic relationship. (What if one of them supervises the other?)**

Scenario 1: The issue is whether the animosity is gender-based and whether the treatment is so severe or pervasive that it creates an abusive environment, if so, then most likely will constitute sexual harassment.

Scenario 2: The analysis will revolve around whether the comments are so severe or pervasive an abusive environment is created. Can give different examples of conduct to elucidate the issues— “Hey, look at her body” vs. “That’s a pretty jacket.”

Scenario 3: Generally, a single comment is not enough to cross the threshold; however,

Scenario 4: No, the conduct must be unwelcome. The situation involving a supervisor/employee may not be considered sexual harassment now, but it is dangerous. Supervisors and their subordinates getting involved romantically is not a good idea. It sets up a situation with all sorts of potential problems in the future, among them sexual harassment.—Good lovin’ gone bad has some very significant consequences in the workplace.



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EMPLOYEES SHOULD

- Know their rights and responsibilities.
- Know USAID Policy.
- Report inappropriate behavior.
- Not sexually harass.

SUPERVISORS SHOULD

- Educate themselves and their employees on the policy on sexual harassment.
- Know employees' rights.
- Set a good example.
- Prevent sexual harassment.

IF YOU ARE SEXUALLY HARASSED.

- Tell the harasser to stop.

If the harassment continues:

- Be assertive; report it to your supervisor.
- Send harasser a certified letter.
- Keep a record.
- Contact Your USAID Mission EEO Counselor—or a Washington Based EEO Counselor or EOP. If neither your Mission EEO Counselor nor a Washington Based EEO Counselor is available, contact State Department/Embassy EEO Counselors.

BOTTOM LINE

- **SEXUAL HARASSMENT IS NOT TOLERATED AT USAID!!!**



QUESTIONS?

**Contact The Equal Opportunity Programs
Office at (202) 712-1110**

<http://inside.usaid.gov/EOP/>